

ORDINANCE NO. 04-1007

AN ORDINANCE of the City Council of the City of SeaTac, Washington adopting a new Chapter 7.40 of the SeaTac Municipal Code related to garbage regulations and proscribing penalties and repealing Section 12.15.030 relating to solid waste.

WHEREAS, it is necessary to protect the public health, safety, and general welfare through the establishment of a uniform system of garbage collection throughout the City; and

WHEREAS, the City Council may regulate matters of health and safety through the exercise of the City's general police powers; and

WHEREAS, it is appropriate for the City to have one garbage collection contractor within the City; and

WHEREAS, the current SeaTac Municipal Code does not adequately address the disposal, placement, and storage of garbage, recyclables, and yard debris; and

WHEREAS, regulations regarding the disposal, placement, and storage of garbage, recyclables, and yard debris should be consistent with any garbage collection contracts entered into by the City ; and

WHEREAS, minimum service levels should be established for garbage collection for multi-family complexes throughout the City;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. A new Chapter 7.40 is hereby added to the SeaTac Municipal Code to read as follows:

Chapter 7.40 GARBAGE REGULATIONS

Sections:

7.40.010	Purpose.
7.40.020	Definitions.
7.40.030	Enforcement.
7.40.040	City's right to collect.
7.40.050	Garbage, recycling and yard debris containers.
7.40.060	Collection restrictions.
7.40.070	Anti-scavenging
7.40.080	Yard debris.
7.40.090	Garbage prohibitions.
7.40.100	Minimum service for multi-family complexes.
7.40.110	Violation—penalty
7.40.120	Severability

7.40.010 Purpose.

The purpose of this chapter is to protect the public health, safety, and general welfare through the establishment of a uniform system of garbage collection, processing, transportation, and disposal throughout the City. The provisions of this chapter shall be deemed an exercise of the power of the City to regulate matters of health and safety consistent with the City's general police powers.

7.40.020 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

“City” means the City of SeaTac, Washington.

“Collection Contractor” or “Contractor” means that entity holding a valid current contract with the City to collect and dispose of garbage, recycleables, and yard debris from within the City.

“Container” means a can, cart, detachable container or drop-box container as described herein for the purpose of storing garbage, yard debris, recyclables or construction/demolition debris.

“Detachable Container” means a watertight metal or plastic container equipped with a tight-fitting cover, capable of being mechanically unloaded into a collection vehicle, and that is not less than one (1) cubic yard or greater than eight (8) cubic yards in capacity.

“Director” means the City of SeaTac Public Works Director, or designee.

“Drop Box Container” means an all-metal container with ten (10) cubic yards or more capacity that is loaded onto a specialized collection vehicle, transported to a disposal or recycling site, emptied and transported back to the customer’s site.

“Dwelling Unit” means any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one (1) family.

“Garbage” means all putrescible and nonputrescible solid and semi-solid wastes, including, but not limited to, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, and discarded commodities. Garbage does not include hazardous wastes, special wastes, source-separated recyclables, or yard debris.

“Garbage Can” means a City-approved contractor or customer provided 20 or 32 gallon container that is a water-tight galvanized sheet-metal or plastic container. The twenty gallon container shall not exceed two and a half (2.5) cubic feet or twenty (20) gallons in capacity; weighing not over nine (9) pounds when empty or thirty-one (31) pounds when full; the thirty-two (32) gallon container shall not exceed four (4) cubic feet or thirty-two (32) gallons in capacity; weighing not over fifteen (15) pounds when empty or fifty (50) pounds when full; containers shall be fitted with two (2) sturdy looped handles, one on each side; and fitted with a tight cover equipped with a handle or one (1) sturdy looped handle for a container with wheels.

“Garbage Cart” means a Contractor-provided 64- or 96-gallon wheeled cart suitable for household collection, storage and curbside placement of Garbage.

“Garbage Unit” means secure and tight bundles, none of which shall exceed three (3) feet in the longest dimension, and shall not exceed fifty (50) pounds in weight. A “garbage unit” may be packed in small discarded boxes, barrels or bags, or in securely tight cartons or other receptacles reasonably easy to be handled and loaded by one person onto a collection vehicle. A garbage can may be a “garbage unit.”

“Hazardous Waste” means any substance that is:

1. Defined as hazardous by 40 C.F.R. Part 261 and regulated as hazardous waste by the United States Environmental Protection Agency under Subtitle C of the Resource Conservation and Recovery Act (“RCRA”) of 1976, 42 U.S.C. § 6901 et seq., as amended by the Hazardous and Solid Waste Amendments (“HSWA”) of 1984; the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.; or any other federal statute or regulation governing the treatment, storage, handling or disposal of waste imposing special handling or disposal requirements similar to those required by Subtitle C of RCRA.
2. Defined as dangerous or extremely hazardous by Chapter 173-303 WAC and regulated as dangerous waste or extremely hazardous waste by the Washington State Department of Ecology under the State Hazardous Waste Management Act, Chapter 70.105 RCW, or any other Washington State statute or regulation governing the treatment, storage, handling or disposal of wastes and imposing special handling requirements similar to those required by Chapter 70.105 RCW.

3. Any other substance that comes within the scope of this definition as determined by the Director.

“Mixed Paper” means magazines, junk mail, phone books, bond or ledger grade paper, cardboard, paperboard packaging and other fiber-based materials meeting industry standards. Mixed paper shall not include tissue paper, paper towels, food-contaminated paper or paper packaging combined with plastic wax or foil.

“Multi-Family Complex” means a multiple-unit Residence with four (4) or more attached or unattached units billed collectively.

“Person” means every person, firm, partnership, association, institution or corporation in the City accumulating garbage refuse requiring disposal. The term shall also mean the occupant and/or the owner of the premises for which service herein mentioned is rendered.

“Recycleables” means newspaper, corrugated cardboard, mixed paper, aluminum cans, glass containers, recyclable plastic containers that have contained non-hazardous products, polycoated cartons, tin cans, scrap metal, and such other materials that the City and Contractor determine to be recyclable.

“Recycling Cart” means a Contractor-provided 35-, 64- or 96-gallon wheeled cart suitable for household collection, storage and Curbside placement of Source-separated Recyclables.

“Residence” means a living space individually rented, leased or owned.

“Rubbish” means all discarded nonputrescible waste matter.

“Scrap Metal” means ferrous and non-ferrous metals not to exceed two (2) feet in any direction and thirty-five (35) pounds in weight per piece.

“Source-Separated” means certain reclaimable materials that are separated from Garbage by the generator for recycling or reuse, including, but not limited to Recyclables, Yard Debris and other materials.

“Special Waste” means polychlorinated biphenyl (“PCB”) wastes, industrial process wastes, asbestos containing materials, petroleum contaminated soils, treated/de-characterized wastes, incinerator ash, medical wastes, demolition debris and other materials requiring special handling in accordance with applicable federal, state, county or local laws or regulations.

“Yard Debris” means leaves, grass and clippings of woody, as well as fleshy plants and unflocked whole Christmas trees cut in four (4) foot sections. Materials larger than four (4) inches in diameter or four (4) feet in length are excluded.

“Yard Debris Cart” means a Contractor-provided 96-gallon wheeled cart provided for the purpose of containing and collecting Yard Debris.

7.40.030 Enforcement.

The Director is hereby authorized and directed to enforce the provisions of this chapter, including the supervision of the collection and disposal of all garbage, recyclables, and yard debris as herein defined.

7.40.040 City's right to collect.

The City reserves the right to and may have the option to require the separation of garbage and may prescribe the method of separate disposal thereof.

7.40.050 Garbage, recycling, and yard debris containers.

A. All persons shall have and use a sufficient number of containers to hold all of their garbage. Additional amounts of rubbish, bundled in garbage units as herein defined, may be set out for collection. However, garbage units, as defined in the chapter, may only be used for excess rubbish and not in lieu of a person's primary container.

B. All containers shall be rodent and insect proof, kept tightly covered, and be in sanitary and good condition. Containers which leak or have jagged edges or holes shall not be used. The Director, at the request of the Contractor in writing, shall determine whether or not the condition of any garbage can is satisfactory for use.

C. Garbage and recyclables shall not be collected or kept in a yard debris cart.

D. Garbage and yard debris shall not be collected or kept in a recycling cart.

E. No garbage container, when filled, shall weigh more than fifty (50) pounds per 32 gallon capacity, and it shall be so packed that the contents thereof will dump out readily when the can is inverted.

F. All containers provided by the Contractor shall remain the property of the Contractor. The containers shall not be damaged, destroyed or removed from the premises by any person. Markings and identification devices on the containers, except as placed or specifically permitted by the Contractor, are expressly prohibited and shall be regarded as damage to the containers.

7.40.060 Collection restrictions.

A. The Contractor shall have the exclusive right to collect garbage, recyclables, and yard debris set out for collection, including materials placed in Contractor or customer containers within the City.

B. The Contractor shall not have the exclusive right to collect construction/demolition materials meeting the current or future industry content criteria for

recyclable construction/demolition materials being recycled by any person. In order for a person to recycle construction/demolition materials, the site must be served by an appropriately sized garbage container, which shall be used for the disposal of all garbage and construction/demolition material that is not being recycled.

C. The provisions of the section shall not apply to:

1. Garbage, recyclables or yard debris self-hauled by the generator;
2. Construction/demolition waste hauled by self-haulers or construction contractors in the normal course of their business;
3. Yard debris generated and hauled by private landscaping services.

7.40.070 Anti-scavenging.

Once garbage, recyclables, or yard debris has been set out for Contractor collection, ownership of those garbage, recyclable materials, or yard debris materials passes to the Contractor. It shall be unlawful for any person other than the Contractor to remove or collect any such garbage, recyclable materials or yard debris materials once they are set out on the curbside or other approved location. However, any person may collect recyclables and yard debris materials from the occupants of residences or may accept recyclables or yard debris materials delivered to such person at a location where it is legal to accept such materials.

7.40.080 Yard debris.

A. All persons are prohibited from disposing any yard debris in any container or garbage unit other than a yard debris cart or detachable container that is used exclusively for the collection of yard debris. However, any excess yard debris material that does not fit in a yard debris cart or detachable container shall be bundled or placed in Kraft bags, customer-owned 32-gallon containers.

B. Nothing in this chapter shall prohibit persons from composting their own yard debris on property owned or leased by such persons. Compost facilities shall be operated and maintained consistent with other applicable laws and regulations.

7.40.090 Garbage prohibitions.

A. No hot ashes or other hot material, dirt, sand, rocks, gasoline, solvents, oil, paint, hazardous waste, special waste, or other dangerous wastes shall be placed in any container or garbage unit for collection or removal.

B. It shall be unlawful to deposit any garbage or other material in any container set out for collection, except as authorized by the owner, Collection Contractor, or the City.

7.40.100 Minimum service for multi-family complexes.

A. Multi-family complexes must accept garbage collection services. At a minimum, multi-family complexes shall have the following minimum service levels:

Dwelling Unit Size	Minimum Service per dwelling unit per month
One bedroom or studio	1 cubic yard per month
Two bedroom	1.5 cubic yards per month
Three bedroom or greater	2 cubic yards per month

B. Regardless of the minimum service levels required in 7.40.100 (A), all multi-family complexes shall have and use sufficient containers to hold all of their garbage. The Director may adjust the minimum service level for multi-family complexes if the Director determines that the complex consistently generates a different amount of garbage per week.

7.40.110 Violation – penalty.

A. Any person who violates any provision of this chapter, or the provisions of any procedures adopted hereunder, by any act of commission or omission, or who aids or abets any such violation, shall be subject to code enforcement action and a civil penalty as set forth in Chapter 1.15 SMC. Each and every day, or portion thereof, during which any violation is committed or continued shall be deemed a separate and distinct violation of this chapter.

B. Nothing in this chapter shall be construed as limiting any administrative or judicial remedies that the City may have, at law or in equity, for enforcement of this chapter. Furthermore, violation of the terms of this chapter shall be grounds for revocation of the business license of any person violating the terms hereof.

7.40.120 Severability.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected.

Section 2. Section 12.15.030 of the SeaTac Municipal Code is hereby repealed.

Section 3. This Ordinance shall be in full force and effect thirty (30) days after passage.

ADOPTED this 27th day of April, 2004, and signed in authentication thereof on this 27th day of April, 2004.

CITY OF SEATAC

Frank Hansen, Mayor

ATTEST:

Judith L. Cary, City Clerk

Approved as to Form:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Garbage Code]